

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION**

MICHELLE MCDANIEL, AS NEXT  
FRIEND OF SEAN MCDANIEL,  
Plaintiff,

v.

RAFAEL F. OTERO, PH.D., DAAPM,  
DACFE, LMMFT, LSSP,  
Defendant.

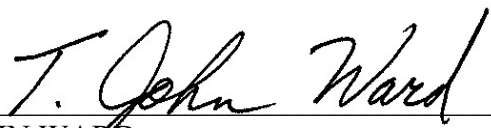
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§ CIVIL ACTION NO. 5-07-CV-18 (TJW)  
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**ORDER**

Before the Court is Defendant Rafael Otero's Motion to Dismiss (#5) and Motion for Sanctions (#6). Plaintiff has not filed a response as ordered by the court. *See* Dkt. #11. Accordingly, the defendant's motion to dismiss is GRANTED. This case is hereby dismissed without prejudice. Costs of court are taxed against the plaintiff.

The defendant's motion for sanctions is DENIED.

SIGNED this 3rd day of April, 2007.

  
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T. JOHN WARD  
UNITED STATES DISTRICT JUDGE